

APPEAL NO. 033049
FILED JANUARY 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing (CCH) was held on September 24, 2003. The hearing officer determined that the respondent's (claimant) compensable injury of (date of injury for docket no. 1), includes and extends to right carpal tunnel syndrome (CTS) (Docket No. 1), and that the claimant's compensable injury of (date of injury for docket no. 2), does not extend to and include right CTS syndrome problems on or after (date of injury for docket no. 1) (Docket No. 2).

The appellant (carrier) appeals, asserting that the claimant had not sustained a new CTS injury in 2001 and that the claimed right CTS was a continuation of the compensable 1998 injury. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant was a long time employee performing data entry and keyboarding as a customer service researcher. It is undisputed that the claimant had a compensable (date of injury for docket no. 2), injury which included bilateral CTS and De Quervain's syndrome. The claimant had three surgeries for the 1998 injury. The claimant was certified as having reached maximum medical improvement in November 17, 1999, with an 11% impairment rating for that injury. The claimant testified that she returned to work at her preinjury job in May 2000 and that while she had been given permanent restrictions the employer was unable or unwilling to accommodate her restrictions. The claimant was last seen by the treating doctor for the 1998 injury on July 6, 2000. The claimant testified that her condition worsened and that she sustained a new repetitive trauma injury on (date of injury for docket no. 1). The carrier accepted a compensable trigger finger injury to the third and fourth digits of the right hand. The carrier contends that the right CTS is a continuation of the compensable 1998 injury and not a new injury. There was conflicting medical evidence. A report dated March 3, 2003, from the claimant's current treating doctor establishes a theory of causation for a new injury. The carrier's appeal raises the same factual arguments presented at the CCH.

Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge